



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,016	11/21/2003	Raymond V. Damadian	DAMADIAN 3.0-080	5664

530 7590 06/30/2006

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

CHENG, JACQUELINE

ART UNIT	PAPER NUMBER
----------	--------------

3768

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/721,016	Applicant(s) DAMADIAN, RAYMOND V.	
	Examiner Jacqueline Cheng	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/13/04, 4/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, and 7-10 are rejected under 35 U.S.C. 103(a) as being obvious over US Patent No. 5,490,513 (herein referred to as Damadian'513 et al.) in view of US Patent No. 4,668,915 (herein referred to as Daubin et al.).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the

reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

3. **Claims 1-5, 8-10:** Damadian'513 et al. discloses an apparatus and method to enhance patient throughput of a MRI system. In any system in order to image a patient, the patient must be received and directed to the scanner to be used. Specifically in the system of Damadian'513 et al. multiple MRI scanners exist so that multiple patients to be subjected to a MRI procedure may be positioned and imaged in either an overlapping time period or simultaneously (abstract, col. 2 line 47-52). Daubin et al. also discloses such a system with multiple MRI scanners to simultaneously overlap the imaging of patients (abstract). Damadian'513 et al. discloses placing the anatomical region of interest of each patient (which can be an extremity or head or torso) in the primary magnetic field imaging volume. The anatomical region of interest of each patient could be different. If a first patient needs to have their torso imaged and a second patient a head imaged, it would be obvious to image those areas of interest. Damadian'513 et al. shows that to have an MRI system that fits a head for imaging is obvious to one skilled in the art (fig. 3). Daubin et al. shows that to have an MRI system for fitting a torso to be imaged is obvious to one skilled in the art (fig. 1). It would be obvious to modify either machine to have an MRI system with one of each or to modify a multiple MRI system with any types of MRI systems known in the art. The system of Daubin et al. in itself is also capable of placing the head or extremity of a second patient in the primary magnetic field imaging volume, while the torso of a first patient is being imaged in the first MRI scanner. It would be obvious to one with ordinary skill in the art at the time of the invention to combine Damadian'513 et al. and Daubin et al. as both systems are directed to simultaneous multiple patient MRIs.

4. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Damadian'513 et al. in view of Daubin et al. as applied to claim 1 and 10 above, and further in view of US Publication No. 2001/0037219 A1 (herein referred to as Malik). Maintaining a queue of patients and where the patients must be directed to a particular doctor with a certain machine is well known in the art. This can be seen in any hospital or doctor's office. A list of patients to be seen for the day and which doctor (which MR system) they have to go to is kept track of and the patients directed properly when the doctors are available. Malik also discloses this basic idea in paragraph 0010 and 0039. In Malik the patient's are assigned to a pool or queue of patients based upon the attributes of the patients and/or the attributes of the doctors (the attribute being whether the patients need to be imaged on the first MRI vs. the second MRI). The doctor then treats the patients in order of the queue. It would be obvious to one with ordinary skill in the art at the time of the invention to combine Malik with Damadian'513 et al. and Daubin et al. as any facility or doctor's office or the like would need a managing system to manage the patients waiting in a timely and proper manner.

5. Claims 6, 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Damadian'513 et al. in view of Daubin et al. as applied to claim 1 and 10 above, and further in view of US Patent No. 6,414,490 B1 (herein referred to as Damadian'490 et al.).

6. **Claims 6, 12-14, 16-20:** Damadian'490 et al. discloses an MRI that can position a patient through a range of orientations from a horizontal to a vertical position (abstract). The positioning device also has a variety of retractable pieces to orientate the patient in any desired orientation

Art Unit: 3737

relative to the frame, such as in a seated position or a standing position with a footrest to orient the patient in a weight bearing position (col. 5 line 17-25). The device also has the ability to move the patient upwardly and downwardly to allow scanning of essentially any part of the patient (such as the foot) (col. 6 line 8-15). This mobility is achieved by the use of an elevator.

7. **Claims 11 and 15:** A magnetic imaging apparatus with a magnet defining a horizontal field axis and an imaging volume surrounding the axis having a vertical and horizontal direction is inherent in any MR system.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 5,779,637 discloses a MRI system that can image a patient horizontally and that has a foot rest so therefore is capable of imaging a foot in a weight bearing position. US Patent No. 5,666,056 discloses taking an MRI of a patient while they are in a sitting position.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline Cheng whose telephone number is 571-272-5596.

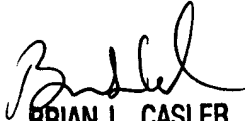
The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Mantis-Mercader can be reached on 571-272-4740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3737

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC


BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700